

**Filed 12/22/99 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

1999 ND 230

Robert L. Meyers,

Plaintiff and Appellee

v.

Sherry Meyers,

Defendant and Appellant

No. 990236

Appeal from the District Court of Ward County, Northwest Judicial District,
the Honorable Gary A. Holum, Judge.

AFFIRMED.

Per Curiam.

Debra K. Edwardson (argued), Edwardson Law Office, Union Annex Building,
Suite 303, 7A Central Avenue E., Minot, N.D. 58701, and Edward J. Bosch (on brief),
7a Central Avenue E., Suite 305, Minot, N.D. 58701, for plaintiff and appellee.

Paul A. Temanson, United Community Bank Building, P.O. Box 2250, Minot,
N.D. 58702-2250, for defendant and appellant.

Meyers v. Meyers

No. 990236

Per Curiam.

[¶1] Sherry Meyers appealed from a divorce decree awarding custody of the parties' minor child to their father, Robert Meyers, with reasonable visitation for her. We conclude the judgment of the trial court is based upon findings of fact that are not clearly erroneous, and we affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Robert Meyers requested attorney fees on appeal, under N.D.R.App.P. 38. We conclude the appeal is not frivolous, and we, therefore, deny the request for attorney fees.

[¶3] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
William A. Neumann
Dale V. Sandstrom
Carol Ronning Kapsner